

225802

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

JEREMY M. BERMAN  
(312) 252-1510  
jberman@fletcher-sippel.com

September 30, 2009

## VIA ELECTRONIC FILING

Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, D.C. 20423

Re: Environmental Report, Historic Report and Required Certifications for  
Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.  
Notice of Exemption for Abandonment in Brown County, Wisconsin

Dear Secretary Quinlan:

Wisconsin Central Ltd. intends on filing a Notice of Exemption for the above-reference proposed abandonment any time on or after October 15, 2009. Enclosed for the above-referenced Notice of Exemption are the following, which are required by 49 C.F.R. Part 1105:

1. An original of the Environmental/Historic Report;
2. An original of the transmittal letter that accompanied the reports, and
3. An original of a certificate demonstrating compliance with the requirements of 49 C.F.R. Part 1105.

Thank you for your assistance in this matter, and please feel free to call me if you have any questions.

Respectfully submitted,

  
Jeremy M. Berman  
Counsel for Wisconsin Central Ltd.

JMB:dg  
Enclosures  
cc: Service List Parties

# FLETCHER & SIPPEL LLC

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**JEREMY M. BERMAN**  
(312) 252-1510  
jberman@fletcher-sippel.com

September 24, 2009

Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

To Whom It May Concern:

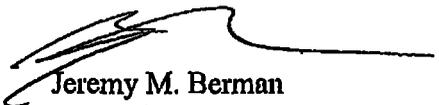
Any time on or after October 15, 2009, Wisconsin Central Ltd. (“WCL”) expects to file with the Surface transportation Board (“STB”) a Notice of Exemption seeking Authority to abandon a railroad line located in Denmark, Brown County, Wisconsin, starting at milepost 97.50 and continuing 1320 feet to milepost 97.75. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis of the STB’s independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental and historic review process, please contact their Section of Environmental Analysis (“SEA”), at the Surface Transportation Board, 395 E. Street, S.W., Washington, D.C. 20423, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on or about October 15, 2009. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1510 or by mail at the above address.

Sincerely,

  
Jeremy M. Berman  
Counsel for Wisconsin Central Ltd.

Encls.

Docket No. AB-303 (Sub-No. 34X)

WISCONSIN CENTRAL LTD.

NOTICE OF EXEMPTION FOR  
ABANDONMENT IN BROWN  
COUNTY, WISCONSIN

To: Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, D.C. 20423

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on September 24, 2009, copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the Wisconsin Historical Society. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Wisconsin Central Ltd intends to file its Notice of Exemption in the above-captioned matter no earlier than October 15, 2009. All appropriate agencies as listed in 49 C.F.R. § 1105.7(e) have been consulted well in advance of preparing the Environmental Report.

I also certify that a newspaper notice was published on September 24, 2009, in *The Green Bay Press Gazette*, a newspaper of general circulation in Brown County, Wisconsin. The notices alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the text of the notice is attached to this certificate as Attachment B.

Dated this 24<sup>th</sup> day of September, 2009.

  
Jeremy M. Berman  
Counsel for Wisconsin Central Ltd.

## ATTACHMENT A

Mr. Sherman Banker  
Wisconsin Historical Society  
Division of Historic Preservation and Public History  
816 State Street  
Madison, WI 53706

U.S. Army Corp of Engineers  
St. Paul District (CEMVP-PA)  
190 Fifth Street East  
St. Paul, MN 55101-1638

U.S. Environmental Protection Agency  
Office of Water  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Mr. Kenneth A. Westlake  
Chief, NEPA Implementation Section  
US EPA Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

National Park Service  
Department of Interior  
1849 C Street, N.W.  
Washington, DC 20240

National Geodetic Survey Information Services  
SSMC-3, #9202  
1315 East-West Highway  
Silver Springs, Maryland 20910-3282

Mr. David M. Kennedy, Director  
Office of Ocean and Coastal Resource Management  
NOAA Ocean Service  
1305 East-West Highway  
Silver Springs, Maryland 20910

Mr. Gregory Hines, RC&D Coordinator  
National Resource Conservation Service  
3071 Voyager Drive, Suite E  
Green Bay, WI 54311-8343

Mr. Guy Zima  
County Board Chairperson – Brown County, WI  
305 East Walnut Street  
Green Bay, WI 54305

U.S. Fish & Wildlife Service  
2800 Lake Shore Drive East Suite B  
Ashland, WI 54806-2427

Wisconsin Department of Natural Resources  
DNR Northeast Region HDQRS  
2984 Shawano Ave.  
Green Bay, Wisconsin 54313-6727

Wisconsin Department of Transportation  
Hill Farms State Transportation Building  
4802 Sheboygan Avenue  
PO Box 7910  
Madison, Wisconsin 53707-7910

Wisconsin Clearing House for Prevention Resources  
1552 University Avenue  
Madison, Wisconsin 53726-4085

Wisconsin Department of Administration  
IGA Relations  
P.O. Box 7868  
101 East Wilson Street, 6th Floor  
Madison, WI 53707-7868

Wisconsin Department of Administration  
Wisconsin Coastal Management Program  
P.O. Box 8944  
101 East Wilson Street  
Madison, WI 53708-8944

## ATTACHMENT B

### NOTICE

Wisconsin Central Ltd. gives notice that on or after October 15, 2009 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-- Exempt Abandonments permitting the abandonment of a 0.25 mile line of railroad between railroad milepost 97.50, north to railroad milepost 97.75 which traverses through United States Postal Service ZIP Codes 54208 in Brown County, WI. The proceeding will be docketed as No. AB 303 (Sub-No. 34X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E. Street, SW., Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a) ], and one copy must be served on applicants' representative [See 49 CFR 1104.12 (a) ]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Jeremy M. Berman, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**DOCKET NO AB-303 (SUB-NO 34X)**

**WISCONSIN CENTRAL, LTD  
-- ABANDONMENT EXEMPTION --  
IN DENMARK, BROWN COUNTY, WISCONSIN**

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**ENVIRONMENTAL/HISTORICAL REPORT**

Wisconsin Central, Ltd ("WCL") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

**ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)**

1. **Proposed Action and Alternatives:** WCL seeks to abandon its line of railroad extending from milepost 97.50 to milepost 97.75 in Denmark, Wisconsin, and (the Line"). The Line is situated in Brown County, Wisconsin and extends a total distance of approximately 0.25 miles.

The Line has not been required to serve any customer in many years. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists.

WCL has entered into a "Contract for Preservation of Right of Way Through Interim Recreational Trail Use" with the Wisconsin Department of Natural Resources covering the Line. The contract provides for WCL to file an abandonment exemption which will trigger the NITU

under which the Wisconsin Department of Natural Resources will purchase certain property including the Line.

The rail, ties and track material have been removed from the Line. A previous abandonment on this line of railroad abandoned the track from Rockwood, WI to milepost 97.50 in Denmark, WI. In carrying out that abandonment, the track up to milepost 97.75 was inadvertently removed along with the track abandoned at that time. In this proceeding, WCL seeks to abandon the track that was inadvertently removed.

No grade crossings will be removed. There are no structures or bridges located along the Line.

No alternatives to the proposed abandonment have been considered. A map showing the location of the Line is attached herein as Appendix A.

WCL has contacted and requested comments from the Brown County Board of Supervisors. See correspondence attached herein as Appendix B. WCL has received no comments to date.

2. **Transportation System**. WCL does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the Line. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

WCL has contacted and requested comments from the State of Wisconsin Department of Transportation. See correspondence attached herein as Appendix C. WCL has received no comments to date.

**3. Land Use.**

(i) WCL does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the NOAA/National Geodetic Survey. See correspondence attached herein as Appendix D. WCL has received no comments to date.

(ii) The proposed abandonment lies entirely within the limits of Brown County, Wisconsin. The Natural Resource Conservation Service (NRCS) has been contacted and comments requested. See correspondence attached herein as Appendix E. WCL has received no comments to date.

(iii) This track does not appear to be within a designated Coastal Zone Management Area and, accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. WCL has contacted the Office of Water at the U.S. Environmental Protection Agency, to determine whether the proposed abandonment is consistent with applicable federal, state and local water quality standards. See correspondence attached hereto as Appendix F. WCL has received no comments to date. The rail and other salvageable materials have already been removed from the Line. Therefore proper erosion control in the removal of rail is not an issue.

(iv) The right-of-way of the Line is suitable for an alternative public use under 49 U.S.C. § 10905 as a trail. WCL has entered into a contract with the Wisconsin Department of Natural Resources under which the Wisconsin Department of Natural Resources will purchase the right-of-way for use as a trail.

4. **Energy.**

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line, and WCL foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such traffic has been handled on this line, and WCL foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic on the Line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. **Air.**

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. This is an abandonment of a line on which there have been no customers for at least two years and there is no overhead traffic on the line.



6. **Noise.** Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(c)(5)(i) will be exceeded as a result of the abandonment.

7. **Safety.**

(i) The proposed action will have no adverse effect upon public health or safety. This abandonment will not require salvage operations as the track has been removed from the Line.

(ii) Not applicable. To WCL's knowledge, no hazardous commodities were ever handled on this Line. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) To the best of WCL's knowledge, there are no known hazardous waste sites or any hazardous waste materials involved. Therefore, WCL believes that its abandonment will not have any adverse impact on this site.

8. **Biological Resources.**

(i) The U.S. Fish and Wildlife Service has been contacted and WCL has requested comments. WCL has received no comments to date. WCL does not believe this abandonment will affect the wetlands or any endangered or threatened species, if any, present in this area. See correspondence attached as Appendix G.

WCL has also contacted and requested comments from the Wisconsin Department of Natural Resources. See correspondence attached herein as Appendix H. WCL has received no comments to date.

(ii) The National Park Service has been contacted and comments requested. See correspondence attached herein as Appendix I. WCL has received no comments to date.

**9. Water.**

(i) The US EPA for Region 5 of the Environmental Protection Agency has been contacted and we have requested comments from them. See correspondence attached herein as Appendix J. WCL has received no comments to date.

(ii) The Army Corps of Engineers has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act. See correspondence attached herein as Appendix K. The Corps indicated that hydric soils are present near the Line, which may indicate a potential wetlands area. See Appendix K. The Corps advised that if this abandonment will involve discharge of dredged or fill material into this area, a permit from the Wisconsin Department of Natural Resources would be required. WCL has contacted and requested comments from the State of Wisconsin Department of Natural Resources. See Appendix H. WCL does not anticipate that the abandonment will involve discharge of dredged or fill material into any existing wetlands.

In addition, abandonment should not impact any 100-year floodplain if no additional fill is placed in any floodplain.

(iii) Due to the fact that the track has been removed from the Line, WCL concludes that no permits under Section 402 of the Clean Water Act are required. No material will be disposed of into waterway as part of the abandonment.

**10. Proposed Mitigation.** As no adverse impact is anticipated, WCL does not propose any mitigation activities.

**11. Additional Information for Rail Constructions.** There is no rail construction proposed at this time

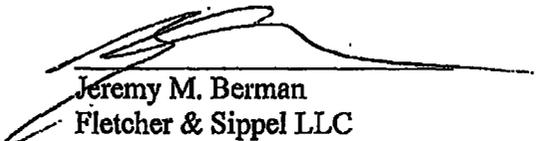
## HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. **Map.** A map of the Line is attached hereto as Appendix A
2. **Description of Line.** The line to be abandoned extends from milepost 97.50 to milepost 97.75 in Denmark, Wisconsin. The Line is situated in Brown County, Wisconsin and extends a total distance of approximately 0.25 miles, or approximately 1,320 feet.
3. **Photographs.** There are no photographs of this Line because there are no buildings or structures located along this portion. There are no grade crossings which will be removed with this abandonment.
4. **Information on Structures.** There are no structures or bridges located along this Line.
5. **History of Operations.** The Line has not been required to serve any customer in many years. The Line was previously used for general freight traffic. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists.
6. **Engineering Documents.** WCL will provide copies of any documents in its possession.
7. **Historic Criteria.** WCL has contacted and given notice of the proposed abandonment to The State Historic Preservation Office within the Wisconsin Historical Society ("SHPO"). See correspondence attached as Appendix L. SHPO's response to WCL indicates that no historic properties will be affected. See Appendix L.
8. **Ground Disturbances.** WCL has reported there are no archaeological resources in the area. Access to the line is generally good.

9. Request by State Historic Preservation Office. Upon request of the Wisconsin Historical Society, WCL will provide such additional information as may be requested under Section 1105.8(d)(9).

Dated September 24, 2009

Respectfully submitted,



Jeremy M. Berman  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, Illinois 60606  
Telephone: 312-252-1500  
Fax: 312-252-2400

## **APPENDIX A**



## **APPENDIX B**



Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

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T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

July 16, 2009

Mr. Guy Zima  
County Board Chair – Brown County, WI  
PO Box 23600  
Green Bay, WI 54301-3600

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

Dear Mr. Zima:

Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.

## **APPENDIX C**



Law

Thomas J. Healey  
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17841 S. Ashland Avenue  
Homewood, IL 60430-1339

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tom.healey@cn.ca

July 16, 2009

Wisconsin Department of Transportation  
Hill Farms State Transportation Building  
4802 Sheboygan Avenue  
PO Box 7910  
Madison, WI 53707-7910

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

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Thomas J. Healey

Counsel for Wisconsin Central Ltd.

Encl.

**APPENDIX D**



Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
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July 16, 2009

National Geodetic Survey Information Services  
SSMC-3, #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

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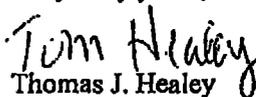
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Very truly yours,



Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.

**APPENDIX E**



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Natural Resource Conservation Service  
3071 Voyager Drive, Suite E  
Green Bay, WI 54311-8343

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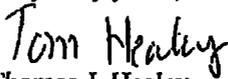
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Very truly yours,

  
Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.

## **APPENDIX F**



Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

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tom.healey@cn.ca

July 16, 2009

U.S. Environmental Protection Agency  
Office of Water  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
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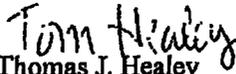
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Very truly yours,

  
Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

1:

AUG 03 2009

OFFICE OF  
WATER

Mr. Thomas J. Healey  
Counsel for Wisconsin Central Ltd.  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

Dear Mr. Healey

Thank you for your June 16, 2009, letter to the Environmental Protection Agency regarding the Surface Transportation Board's proposed abandonment of approximately .25 miles of railroad line in Brown County, Denmark, Wisconsin.

Since this letter deals with a specific issue in Wisconsin, not a general policy or program question. We are transferring it to our regional office. EPA's Region 5 office is located at 77 W. Jackson Boulevard, Chicago, Illinois. I have forwarded your letter to them for response by their office. You should hear from them in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Wanda R. Fields".

Wanda R. Fields  
Program Analystator



Printed on Recycled Paper



Law

Thomas J. Healey  
Counsel - Regulatory  
17841 S. Ashland Avenue  
Homewood, IL 60430-1339

www.cn.ca

T - 708-332-4381  
F - 708-332-4381  
tom.healey@cn.ca

July 16, 2009

Mr. David M. Kennedy, Director  
Office of Ocean and Coastal Resource Management  
NOAA Ocean Service  
1305 East West Highway  
Silver Spring, MD 20910

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

Dear Mr. Kennedy:

Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

  
Thomas J. Healey

Counsel for Wisconsin Central Ltd.

Encl.

## **APPENDIX G**



Law

Thomas J. Healey  
Counsel - Regulatory  
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Homewood, IL 80430-1339

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F - 708-332-4361  
tom.healey@cn.ca

July 16, 2009

U.S. Fish & Wildlife Service  
2800 Lake Shore Drive East Suite B  
Ashland, WI 54806-2427

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

Dear Sir or Madam:

Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.

## **APPENDIX H**



Law

Thomas J. Healey  
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tom.healey@cn.ca

July 16, 2009

Wisconsin Department of Natural Resources  
DNR Northeast Region HDQRS  
2984 Shawano Ave.  
Green Bay WI 54313-6727

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

Dear Sir or Madam:

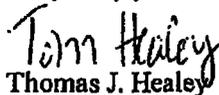
Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

  
Thomas J. Healey

Counsel for Wisconsin Central Ltd.

Encl.

## **APPENDIX I**



Law

Thomas J. Healey  
Counsel - Regulatory  
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Homewood, IL 60430-1339

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tom.healey@cn.ca

July 16, 2009

National Park Service  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

Dear Sir or Madam:

Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.

## **APPENDIX J**



Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

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tom.healey@cn.ca

July 16, 2009

Mr. Kenneth A. Westlake  
Chief, NEPA Implementation Section  
US EPA Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

Dear Mr. Westlake:

Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,

  
Thomas J. Healey

Counsel for Wisconsin Central Ltd.

Encl.

## **APPENDIX K**



.....

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

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tom.healey@cn.ca

July 16, 2009

U.S. Army Corp of Engineers  
St. Paul District (CEMVP-PA)  
190 Fifth Street East  
St. Paul, MN 55101-1638

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, Wisconsin

Dear Sir or Madam:

Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Thank you for your assistance.

Very truly yours,

Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.



**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**SIBLEY SQUARE AT MEARS PARK**  
**190 FIFTH STREET EAST, SUITE 401**  
**ST. PAUL MINNESOTA 55101-1638**

July 22, 2009

REPLY TO  
ATTENTION OF  
Operations  
Regulatory (2009-03185-LMK)

Mr. Thomas J. Healey  
CN  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

Dear Mr. Healey:

We have received your July 16, 2009, notice and request for comment on the proposed abandonment of a segment of Wisconsin Central Ltd. Railroad line in Denmark, Wisconsin. The project is located in the SE  $\frac{1}{2}$  SE  $\frac{1}{4}$ , S. 28 T. 22N. R. 22E., Brown County, Wisconsin.

Please consider the following general information concerning our regulatory program that may apply to the proposed project:

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps' evaluation of a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the

## **APPENDIX L**



www.cn.ca

Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

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F - 708-332-4361  
tom.healey@cn.ca

July 16, 2009

Mr. Sherman Banker  
Wisconsin Historical Society  
Division of Historic Preservation and Public History  
816 State Street  
Madison, WI 53706

Re: Docket No. AB-303 (Sub No. 34X) – Fox Valley & Western Ltd.  
Proposed Abandonment in Brown County, Denmark, WI

Dear Mr. Banker:

Wisconsin Central Ltd., as successor-in-interest to Fox Valley & Western Ltd. ("WCL"), is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 0.25 miles of railroad line starting at MP 97.50 and ending at MP 97.75 in Brown County, Denmark, Wisconsin.

I am forwarding the 106 Form required by the Wisconsin Historical Society. There are no bridges or railroad structures located along this segment.

Thank you for your assistance. Please call me should you have questions.

Very Truly Yours,

Thomas J. Healey  
Counsel for Wisconsin Central Ltd.

Encl.

**REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING**

**Submit one copy with each undertaking for which our comment is requested. Please print or type.  
Return to:**

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

**Please Check All Boxes and Include All of the Following Information, as Applicable.**

**I. GENERAL INFORMATION**

- This is a new submittal.**
- This is supplemental information relating to Case #: \_\_\_\_\_, and title: \_\_\_\_\_**
- This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is \_\_\_\_\_**
- a. **Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Surface Transportation Board, 395 E Street, SW, Washington, DC 20423.**
- b. **Federal Agency Contact Person: Anne K. Quinlan, Acting Secretary Phone: 202-245-0245**
- c. **Project Contact Person: Thomas Healey; Phone: 708-332-4381**
- d. **Return Address: Wisconsin Central Ltd., c/o CN, 17641 S. Ashland Ave., Homewood, Illinois 60430.**
- e. **Email Address: tom.healey@cn.ca**
- f. **Project Name: Wisconsin Central, Ltd., as successor-in-interest to Fox Valley & Western Ltd. Proposed Abandonment in Denmark, WI, AB-303 (Sub-No. 34X).**
- g. **Project Street Address: N/A - Rail Line Abandonment - Brown County, Wisconsin.**
- h. **County: Brown City: Denmark, Zip Code: 54208**
- i. **Project Location: Township \_\_\_\_\_, Range \_\_\_\_\_, E/W (circle one), Section \_\_\_\_\_, Quarter Sections \_\_\_\_\_**
- j. **Project Narrative Description — Wisconsin Central, Ltd. ("WCL") plans to file a Notice of Exemption for an abandonment with the STB for approval to abandon 0.25 miles of railroad line starting at milepost 97.50 and ending at milepost 97.75.**
- k. **Area of Potential Effect (APE). Attach Copy of map showing APE. — See Attached Exhibit A**

**II. IDENTIFICATION OF HISTORIC PROPERTIES**

- Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
- Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials. **THERE ARE NO RAILROAD STRUCTURES ALONG THIS PORTION OF THE ABANDONMENT.**

**III. FINDINGS**

- No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11. **THERE ARE NO RAILROAD STRUCTURES ALONG THIS PORTION OF THE ABANDONMENT.**
- The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
- The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach supporting documentation as described at 36 CFR 800.11 with a proposed plan to resolve adverse effect(s).

Authorized Signature: Tom Healey Date: 7/16/09

Type or print name: Tom Healey

**IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS**

- Agree with the finding in section III above.
- Object to the finding for reasons indicated in attached letter.
- Cannot review until information is sent as follows: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

HP-05-07 (8/15/03)

**REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING**

Submit one copy with each undertaking for which our comment is requested. Please print or type.  
Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

Please Check All Boxes and Include All of the Following Information, as Applicable.

RECEIVED

JUL 20 2009

DIV HIST PRES

**I. GENERAL INFORMATION**

This is a new submittal.

This is supplemental information relating to Case #: \_\_\_\_\_, and title: \_\_\_\_\_

This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement. The title of the agreement is \_\_\_\_\_

a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Surface Transportation Board, 395 E Street, SW, Washington, DC 20423.

b. Federal Agency Contact Person: Anne K. Quinlan, Acting Secretary Phone: 202-245-0245

c. Project Contact Person: Thomas Healey; Phone: 708-332-4381

d. Return Address: Wisconsin Central Ltd., c/o CN, 17641 S. Ashland Ave., Homewood, Illinois 60430.

e. Email Address: tom.healey@cn.ca

f. Project Name: Wisconsin Central, Ltd., as successor-in-interest to Fox Valley & Western Ltd. Proposed Abandonment in Denmark, WI, AB-303 (Sub-No. 34X).

g. Project Street Address: N/A - Rail Line Abandonment - Brown County, Wisconsin.

h. County: Brown City: Denmark, Zip Code: 54208

i. Project Location: Township \_\_\_\_\_, Range \_\_\_\_\_, E/W (circle one), Section \_\_\_\_\_, Quarter Sections \_\_\_\_\_

j. Project Narrative Description — Wisconsin Central, Ltd. ("WCL") plans to file a Notice of Exemption for an abandonment with the STB for approval to abandon 0.25 miles of railroad line starting at milepost 97.50 and ending at milepost 97.75.

k. Area of Potential Effect (APE). Attach Copy of map showing APE. — See Attached Exhibit A

JUL 20 2009

II. IDENTIFICATION OF HISTORIC PROPERTIES

DIV HIST PRES

- Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
- X Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials. **THERE ARE NO RAILROAD STRUCTURES ALONG THIS PORTION OF THE ABANDONMENT.**

III. FINDINGS

09-0616/BR

- X No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11. **THERE ARE NO RAILROAD STRUCTURES ALONG THIS PORTION OF THE ABANDONMENT.**
- The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
- The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach supporting documentation as described at 36 CFR 800.11 with a proposed plan to resolve adverse effect(s).

pg 2/2

Authorized Signature: Tom Healey Date: 7-16-09

Type or print name: Tom Healey

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- Agree with the finding in section III above.
- Object to the finding for reasons indicated in attached letter.
- Cannot review until information is sent as follows: \_\_\_\_\_

Authorized Signature: Shawn Bender Date: 8/11/09  
HP-05-07 (8/15/03)